

Application No. 10/055,407
Paper Dated: August 29, 2008
In Reply to USPTO Correspondence of July 2, 2008
Attorney Docket No. 3361-011773

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/055,407 Confirmation No. 7264
Applicant : DAVID A. FERTELL, et al.
Filed : January 23, 2002
Title : METHOD FOR MANAGING COMPUTER
NETWORK ACCESS
Group Art Unit : 2143
Examiner : Jerry B. Dennison
Customer No. : 28289

MAIL STOP APPEAL BRIEF - PATENTS

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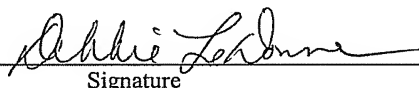
Sir:

This Reply Brief is in response to the Examiner's Answer dated July 2, 2008.

In the subsection "Regarding argument a)" beginning on page 14 of the Examiner's Answer, the Examiner argues that the client computer of claim 1 and the proxy client of the Swift et al. document can be equated. Applicants respectfully disagree. In the context of claim 1 and the present application, the client computer is clearly one that is utilized by a user. In contrast, the proxy client of the Swift et al. document is just that – a proxy client.

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However, this proxy client is not a client computer in the sense that a user would actually be physically using the proxy client. To this end, the specification of the present application clearly delineates that the client computer is intended for use by a user. In contrast, the proxy client of the Swift et al. document is not.

In the second paragraph in the subsection "Regarding argument a)", the Examiner argues "Examiner notes that claim 1 does not recite any type of distinction between a user and a device, does not require a user to be at any specific device, and does not even recite a user for the matter. As such, Applicant's remarks regarding distinguishing between user and proxy client are irrelevant." In essence, the Examiner argues that the phrase "client computer" is not to be construed as being one operated by a user. In contrast, it is Applicants' contention that the phrase "client computer" is to be construed as one being one that is operated by a user. Hence, the meaning and scope of the phrase "client computer" is in dispute.

The relationship between "client computer" and a user is clearly set forth in the specification and claims as originally filed (see, e.g., paragraph [0031], lines 3-5 and claim 12). Indeed, the relationship between a user and a client computer is clearly set forth throughout the entire specification and, as such, is relevant to the claim construction analysis.

"[T]he specification is always highly relevant to the claim construction analysis. Usually it is dispositive; it is the single best guide to the meaning of a disputed term." Vitronics Corp. v. Conceptor, Inc., 90 F.3d 1576, 1577 (Fed. Cir. 1996). Therefore, when a patentee uses a term in a claim consistently throughout the entire specification, this term has been defined by "implication." Bell Atlantic Network Serv., Inc. v. Covad Comm. Group, Inc., 262 F.3d 1258, 1271 (Fed. Cir. 2001). The resulting limitation to this consistent use of the term is necessary in order to comply with the public notice requirements of claims in a patent. Pitney Bowes, Inc. v. Hewlett-Packard Co., 182 F.3d 1298, 1311 (Fed. Cir. 1999).

Accordingly, for the foregoing reasons and for the reasons set forth in the Amended Appeal Brief filed on April 22, 2008, the Swift et al. and Caronni et al. documents, either individually or in combination, cannot anticipate or render obvious claims 1 and 13 of the present application, or claims 2-12 and 14-21 dependent therefrom.

In the subsection entitled "Regarding argument b)" beginning on page 16 of the Examiner's Answer, the Examiner argues that the data structure 90 created by a trusted

security service 80 is provided to proxy client 74 which utilizes this data structure 90 in an access request 92 to a target service 76 for authentication. The data structure 90 contains authentication information recognizable by the target service 76 for authenticating the proxy client 74 acting as the user to access the target service 76. By corollary, if the data structure 90 does not contain authentication information recognizable by the target service 76, target service 76 will not authenticate the proxy client 74 acting as the user to access the target service 76. Thus, it is clear that target service 76 controls its own access, and the only function that client 74 performs is providing the data structure 90 to target service 76. To this end, there is no disclosure, teaching or suggestion in the Swift et al. document that proxy client 74 performs any form of intelligent access control – the mere providing of data structure 90 does not comprise such access control.

In the subsection entitled “Regarding argument c)” beginning on page 18 of the Examiner’s Answer, the Examiner argues that the combination of the Swift et al. and Caronni et al. documents is proper. However, the Examiner’s argument here misses the point. Specifically, assuming *arguendo* the Caronni et al. document discloses obtaining a second network address, it does not disclose the need for a first communication session in order to receive a second network address for the purpose of initiating a second communication session for receiving an access configuration to control yet a third communication session at the third network address. As best understood, the Swift et al. and Caronni et al. documents do not disclose, teach or suggest utilizing a number of different communication sessions in the manner of claim 1.

Lastly, regarding the subsection entitled “Regarding argument d)” beginning on page 20 of the Examiner’s Answer, the Examiner argues that the combination of the Swift et al. and Caronni et al. documents discloses all the limitations of claim 13. However, assuming *arguendo* the Caronni et al. document discloses that a web client 1102 obtains an address to a web server 1104 from computer system 1106, there is simply no disclosure, teaching or suggestion that the web client 1102 would create a first communication session with a first server computer and a second communication session with a second server computer. Accordingly, the Swift et al. and the Caronni et al. documents cannot render obvious claim 13.

Similar comments apply in respect of the Examiner’s arguments regarding claims 8, 18, 22 and 23.

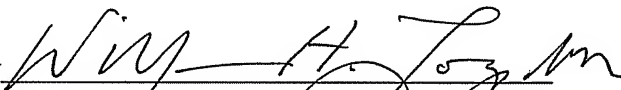
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CONCLUSION

For the above reasons, and the reasons set forth in the Amended Appeal Brief filed on April 22, 2008, it is respectfully urged that the final rejection on the merits be reversed and a Notice of Allowance issued for claims 1-23.

Respectfully submitted,

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